

REMARKS

In the Office Action mailed July 17, 2007 from the United States Patent and Trademark Office, the Examiner rejected claims 1-6 and 13-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,113,971 to Ohi et al. (hereinafter “Ohi”) in view of U.S. Patent Application Publication No. 2006/0008175 to Tanaka et al. (hereinafter “Tanaka”) and rejected claims 7-12 under 35 U.S.C. § 103(a) as being unpatentable over Ohi and Tanaka in view of U.S. Patent No. 6,583,815 to Driscoll, Jr. et al. (hereinafter “Driscoll”). Applicant therefore respectfully provides the following:

Claims 1-31 have been canceled and the rejections of those claims is now moot. As new claims 32-61 include some limitations somewhat similar to those of the previously-rejected claims, however, Applicant will address why the new claims are not made obvious by the cited references.

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when determining obviousness under Section 103: “Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.” (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) Additionally, one helpful standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Applicants respectfully submit that the cited references, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein. Therefore the limited scope of the cited references and the differences between the cited art and Applicants' claims clearly show that the claimed invention is not made obvious by the cited references.

Claim 32 requires: "A method for remotely controlling a remote video camera, the method comprising: using a control point to discover a remote video camera that is configured to provide a real-time video service; receiving a UPnP video service description of the real-time video service that is provided by the remote video camera; and remotely controlling an action of the video service through a UPnP action service description comprising an XML service description for the action." Applicant respectfully submits that such limitations are not taught by the cited references, either alone or in combination. In the Office Action, claims 3 and 4 were rejected, in part, with citations to paragraph [0153] of Tanaka. The cited portion of Tanaka teaches that it is desirable that the network adapter associated with a camera can accord with the automatic detection protocol for network equipment such as Universal Plug and Play (UPnP).

While Tanaka thus mentions UPnP, Tanaka does not teach or disclose the claimed steps of "receiving a UPnP video service description of the real-time video service that is provided by the remote video camera," and "remotely controlling an action of the video service through a UPnP action service description comprising an XML service description for the action." Applicant further notes that Tanaka mentions XML. (See paragraphs [0155] and [0159].) However, Tanaka does not discuss XML in the manner required by claim 1. Claim 1 requires "remotely controlling an action of the video service through a UPnP action service description comprising an XML service description for the action." Tanaka's mention of XML does not

discuss controlling an action of a video service and does not discuss an XML service description, but merely discusses storing management data and camera layout in the XML format.

(Paragraph [0155])

For at least these reasons, claim 32 is not made obvious by the cited references. Claims 51 and 60 include similar limitations and are allowable for at least the same reasons. Claims 33-50, 52-59, and 61 depend from one of claims 32, 51, and 60, and are also similarly allowable.

Claims 34-50 and 53-61 include additional limitations requiring specific XML code discussed in the specification. Such limitations are not taught or suggested by any of the cited references. For at least this additional reason, these claims are not made obvious by the cited references.


For all of the above reasons, Applicant respectfully submits that the new claims are not made obvious by the cited references. Applicant therefore respectfully requests favorable action on the new claims and allowance of the application.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 12 day of October, 2007.

Respectfully submitted,


Michael F. Krieger
Attorney for Applicant
Registration No.: 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893